

AUG 29 2012

JULIA C DUDLEY CLERK
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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

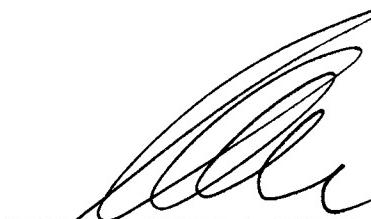
BARRY LYNN VIA,)
Petitioner,) Civil Action No. 7:12-cv-00403
)
v.)
)
GREGORY HOLLOWAY,)
Respondent.) FINAL ORDER
) By: Samuel G. Wilson
) United States District Judge

In accordance with the Memorandum Opinion entered this day, it is hereby **ORDERED** and **ADJUDGED** that Via's 28 U.S.C. § 2254 petition shall be and hereby is **DISMISSED without prejudice**, Via's motion to proceed *in forma pauperis* (Docket No. 3) is **DISMISSED as moot**, and this action shall be **STRICKEN** from the active docket of the court.

Further, finding that Via has failed to make a substantial showing of the denial of a constitutional right as required by 28 U.S.C. § 2253(c)(1), a certificate of appealability is **DENIED**.

The Clerk is directed to send a certified copy of this Order and accompanying Memorandum Opinion to the petitioner.

ENTER: This 29th day of August, 2012.



United States District Judge